

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA . CRIMINAL NO. 04-10303-RCL  
.  
V. . BOSTON, MASSACHUSETTS  
. FEBRUARY 1, 2005  
RASHAUN SCOTT .  
Defendant .  
• • • • • . . . . .

TRANSCRIPT OF CONFERENCE  
BEFORE THE HONORABLE JOYCE LONDON ALEXANDER  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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Proceedings recorded by digital sound recording,  
transcript produced by transcription service.

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## P R O C E E D I N G S

2 COURT CALLED INTO SESSION

3 THE CLERK: The Honorable Joyce London Alexander  
4 presiding. You may be seated. Today's date is February 1,  
5 2005. The Court will now hear the case of United States v.  
6 Rashaun Scott, Criminal Case No. 04-10303. Will the attorneys  
7 please identify themselves for the record.

8 MR. RICHARDSON: Robert Richardson for the United  
9 States. Good afternoon, Your Honor.

10 THE COURT: Good afternoon.

11 MR. SUTTER: Good afternoon, Your Honor.

12 THE COURT: Good afternoon.

13 MR. SUTTER: Sam Sutter for the defendant,  
14 Mr. Rashaun Scott.

15 THE COURT: We need to set a motion date and the  
16 final conference, status conference date; is that correct.

17 MR. SUTTER: Yes, Your Honor.

18 THE COURT: Okay. Why don't we - Mr. Brown, can you  
19 see my schedule for--

20 THE CLERK: March 15<sup>th</sup> at 2:30.

21 THE COURT: --March 15<sup>th</sup> - 15<sup>th</sup> at 2:30 for a final  
22 status conference.

23 MR. SUTTER: Your Honor, I have a trial in Taunton  
24 that day. I'm wondering if we could go to March 16<sup>th</sup> or 17<sup>th</sup> in  
25 the afternoon?

1 PAUSE

2 THE COURT: March 17<sup>th</sup>?

3 MR. SUTTER: That would be fine.

4 THE COURT: Is that a holiday?

5 MR. SUTTER: It's, well it's in a way--

6 THE COURT: It's darkened on the calendar.

7 MR. SUTTER: It's St. Patrick's Day and Evacuation  
8 Day I think.

9 THE COURT: Oh.

10 MR. RICHARDSON: In Suffolk County I think it's a  
11 holiday.

12 THE COURT: Its closed. Do you celebrate it? Maybe  
13 #4:40:31 I will schedule you.

14 MR. RICHARDSON: I'm 1/16<sup>th</sup> Irish so I come to work.

15 THE COURT: Pardon?

16 #4:40:32: The city of Boston and the city of  
17 Cambridge #4:40:38

18 THE COURT: Oh. Oh I remember that as a youngster.  
19 How about the 16<sup>th</sup>?

20 MR. SUTTER: That should be fine, Your Honor.

21 THE COURT: All right. And why don't we set motions  
22 to be filed - do you anticipate dispositive motions?

23 MR. SUTTER: Well, Your Honor, I have certainly a  
24 viable motion to suppress.

25 THE COURT: Uh-huh.

1                   MR. SUTTER: I think my brother would concede that.  
2 And I would ask the Court to - I have a very busy trial  
3 calendar over the next couple months. If I could have until  
4 the first of April would that be all right to file it?

5                   THE COURT: That's in excess of the 45 day--

6                   MR. SUTTER: Oh, all right. Well then--

7                   THE COURT: --period.

8                   MR. SUTTER: --how about the day that we're due for  
9 the status conference?

10                  THE COURT: That's fine.

11                  THE CLERK: March 16<sup>th</sup> at--

12                  PAUSE

13                  THE COURT: That's the 16<sup>th</sup>?

14                  MR. SUTTER: Yes.

15                  THE COURT: Okay. Government's response March, to be  
16 filed on or before March 31<sup>st</sup>. The hearing time is 10 a.m.--

17                  MR. SUTTER: On?

18                  THE COURT: The 16<sup>th</sup>.

19                  MR. SUTTER: Oh. Well I wonder if we could go to the  
20 afternoon because there's always a possibility that my trial  
21 would spill over until--

22                  THE COURT: All right.

23                  MR. SUTTER: --the morning of the next day.

24                  THE CLERK: Two p.m.?

25                  THE COURT: If it's in Taunton let's make it three.

1 MR. SUTTER: Thank you.

2 THE COURT: Three p.m. Anything further?

3 MR. SUTTER: Your Honor, I would like a detention  
4 hearing on behalf of Mr. Scott depending upon the Court's  
5 calendar.

6 PAUSE

7 THE COURT: Wednesday the 16<sup>th</sup> at 10 a.m., February  
8 16<sup>th</sup>--

9 MR. SUTTER: February?

10 THE COURT: Right.

11 MR. SUTTER: I would ask for something a little bit  
12 beyond that?

13 THE COURT: Two? Oh, you mean a time, a date beyond  
14 the 16<sup>th</sup>?

15 MR. SUTTER: I just, I can't--

16 THE COURT: That's fine, you're asking for the  
17 detention hearing. When did you--

18 MR. SUTTER: Your Honor--

19 THE COURT: Which week? If you can give me the week  
20 so--

21 MR. SUTTER: I--

22 THE COURT: --the clerk can look at the schedule.

23 MR. SUTTER: --was wondering if there's anything  
24 available the afternoon of March the 3<sup>rd</sup> or any time on March  
25 the 4<sup>th</sup>? I know I can set anything--

1                   THE CLERK: Friday's good.

2                   THE COURT: Okay.

3                   MR. SUTTER: If that's all that's available I'll take  
4 it.

5 PAUSE

6                   THE COURT: You wanted the third on the, at what  
7 time?

8                   MR. SUTTER: In the afternoon. I have to be in  
9 Attleboro in the morning.

10 PAUSE

11                   THE COURT: Three?

12                   MR. SUTTER: That's great. Thank you very much.

13                   THE COURT: Anything further?

14                   MR. SUTTER: Not for me, Your Honor. Thank you, Your  
15 Honor.

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## CERTIFICATION

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I, Maryann V. Young, court approved transcriber, certify that the foregoing is a correct transcript from the official digital sound recording of the proceedings in the above-entitled matter.

April 9, 2008